

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TANAKA BIRDO,

Plaintiff,

v.

Case No. 07-cv-572-JPG

BRAD WOLENHAUPT, BRAD
CALHOUN, BOB DEMIJIAN, OFFICER
FISCHER, JERRY WOODS, OFFICER
GRAY, FOREST ELKINS, UNKNOWN
PARTY and CISSY BURWELL,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Tanaka Birdo's Notice of Settlement of all remaining defendants in this case, which the Court construes as a motion to dismiss (Doc. 52) pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case from all the parties. The remaining defendants have no objection to the motion. Accordingly, the Court **GRANTS** the motion (Doc. 52), **DISMISSES** Birdo's remaining claims in this case **with prejudice**, and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 31, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE